

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al.,)
)
 Plaintiffs,)
)
 v.) C.A. No. 05-823-SLR
)
STANLEY TAYLOR, et al.,) JURY TRIAL REQUESTED
)
 Defendants.)

DECLARATION IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

DARWIN SAVAGE declares under penalty of perjury:

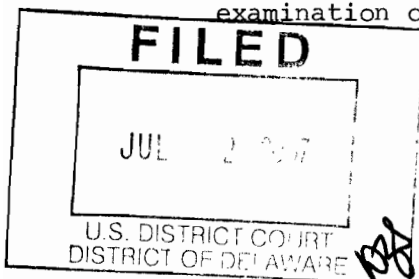
1. I am a plaintiff in the above entitled case. I make this
"Second" declaration in opposition to defendants' motion for summary
judgment on the Eighth and Fourteenth Amended claims against the
Defendants.

2. The Affidavit of Food Service Director Christopher Senato claim,
in summary, that SCI kitchen conduct extensive pest and vermin control,
and maintains Public Health and DOC Inspection Reports on file which reflect
no signs of pest infestation.

3. The defendants are not entitled to summary judgment because there
is an additional genuine issues of material fact to be resolved.

4. After being classify out of the SCI kitchen, I begin working as
an line server in the Merit Building, west-side on or about 8/4/05. I served
food for inmates housed on the west tier which housed 60 inmates.

5. On the morning of June 29, 2008, approximately 5:45 am, as I was
preparing to served hotcakes to the inmates, I immediately notice a strange
appearance of one (1) of the hotcakes I intial grabbed to served. Upon further
examination of the hotcake, it appeared to be something foreign in the hot



cake.

6. I immediately notify c/o Terry who was the tier officer, and he took the hotcake and myself to the building office to present it to Sgt. Yling. At that time, Sgt. Yling torn the hotcake apart to witness a dead fly intangled within the hotcake. The SCI kitchen was notify by Sgt. Yling.

7. I was infomed by Sgt. Yling that the kitchen officer indicated they were not going to send anymore hotcakes, and the inmates can either eat them or throw them away.

8. When I returned to the serving line, I informed the inmates as to the status of the hotcake and the kitchen response. Most inmates refuse to eat, whereas a small number of inmates at the hot cakes whereas a fly(s) was discovered in the batter of one hotcake.

9. Despite the fact that Defendant Debbie Melvin was the senior Food Service staff during that morning, no SCI kitchen staff conducted any investigation, nor taking any sample of the contaminated hotcake. with

10. C/O Terry place the incident in the tier logbook, and building Lt. Devrin stated that a 404 incident report was being prepared.

11. Contrary to defendant's Senato affidavit, the SCI kitchen has a history of sending out contaminated meals with pest and vermin infestation.

11. The foregoing factual allegations create a genuine issue of material fact and will, if proved at trial, entitled me to judgment.

PURSUANT TO 28 U.S.C. SECTION 1746, I declare under penalty of perjury that the foregoing is true and correct.


Darwin Savage

DATED: 6-29-08

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2008, I filed the Attached Affidavit/Declaration in opposition, by placing said copy in the SCI prison mailbox to be forward:

CATHERINE DAMAVANDI
Deputy Attorney General
Department of Justice
820 N. French St., 6th Fl
Wilmington, DE 19801

Dated:

DARWIN SAUSAGE

I/M:

BLDG: Meitow
SUSSEX CORRECTIONAL INSTITUTION

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